

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: :
Tri-State Paper, Inc., : Chapter 11
: :
Debtor. : Bky. No. 23-13237 (PMM)
: :

**OMNIBUS ORDER RESOLVING MOTION TO DETERMINE FILING FEE IN EACH
OF 22 ADVERSARY PROCEEDINGS FILED BY THE CHAPTER 11 DEBTOR-IN-
POSSESSIONⁱ**

AND NOW, upon consideration of the Debtor's Motion to Determine Filing Fees (the "Motion"), filed separately in each of the Debtor's 22 Adversary Proceedings (as listed in the footnote to this Order, collectively the "Adversary Proceedings");

AND upon consideration of the Bankruptcy Court Miscellaneous Fee Schedule (the "Fee Schedule"), Part G;

AND the Debtor/Plaintiff being a chapter 11 debtor-in-possession;

AND the Motion asserting that fees are not due because the Fee Schedule is ambiguous with regard to the amount, if any, owed by a debtor plaintiff;

BUT the Court determines, to the contrary, that the Fee Schedule requires a chapter 11 debtor-in-possession to pay the filing fee from the estate, if an estate exists;

It is therefore hereby **ordered** that:

- 1) A filing fee of \$350.00 is owed with regard to each of the Adversary Proceedings;
- 2) Counsel for the Debtor must file an affidavit **on or before January 5, 2024** stating whether the chapter 11 estate of the above-captioned Debtor is solvent or insolvent;¹
- 3) If the estate is attested to be solvent, then the \$350.00 filing fee **must be paid with regard to each of the Adversary Proceedings on or before January 19, 2024**;

¹ Counsel may file a single Affidavit in the main case.

- 4) If the estate is attested to be solvent and the \$350.00 filing fee is not paid on or before January 19, 2024, then **each of the 22 Adversary Proceedings (or those in which the filing fee has not been paid) may be dismissed without further notice or hearing;** and
- 5) If the estate is attested to be insolvent, then the \$350.00 filing fee will be **suspended** in each of the Adversary Proceedings unless and until recovery, either by settlement or by judgment, is awarded to the estate with regard to each of the Adversary Proceedings.



Date: 12/6/23

PATRICIA M. MAYER
U.S. BANKRUPTCY JUDGE

¹ This order resolves the pending "Motion to Determine Filing Fee" each of the following 22 Adversary Proceedings:

23-00072-pmm Tri-State Paper, Inc. v. Barkmeyer et al
23-00073-pmm Tri-State Paper, Inc. v. Bowling Green, Inc.
23-00074-pmm Tri-State Paper, Inc. v. HKGG, Inc.
23-00075-pmm Tri-State Paper, Inc. v. Foodarama Caterers Inc.
23-00078-pmm Tri-State Paper, Inc. v. Capuano's at Yardley, Inc.
23-00079-pmm Tri-State Paper, Inc. v. Capuano Management, Inc.
23-00080-pmm Tri-State Paper, Inc. v. Del Rossi's Cheesesteak Co., LLC
23-00081-pmm Tri-State Paper, Inc. v. Villa Rosa Pizza & Restaurant
23-00082-pmm Tri-State Paper, Inc. v. Meglio, Inc.
23-00083-pmm Tri-State Paper, Inc. v. M and F LLC
23-00084-pmm Tri-State Paper, Inc. v. Monte Restaurant, Inc.
23-00085-pmm Tri-State Paper, Inc. v. Pizza Village Tomatoe Pie LLC
23-00086-pmm Tri-State Paper, Inc. v. Pizza Port, Inc.
23-00087-pmm Tri-State Paper, Inc. v. Nonna Rosa III, LLC
23-00088-pmm Tri-State Paper, Inc. v. IM LLC
23-00090-pmm Tri-State Paper, Inc. v. Ramirez
23-00091-pmm Tri-State Paper, Inc. v. Shoemake
23-00093-pmm Tri-State Paper, Inc. v. Corinne's Place, Inc.

23-00094-pmm Tri-State Paper, Inc. v. PC Events, LLC

23-00095-pmm Tri-State Paper, Inc. v. Scarpinato's Cucina and Catering, LLC

23-00096-pmm Tri-State Paper, Inc. v. Holy Tomato LLC

23-00097-pmm Tri-State Paper, Inc. v. Johnny's Pizza of Cherry Hill Limited Liability